

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

RONNIE COTE

PLAINTIFF

v.

Case No. 3:20-cv-00370-LPR

**STEVE FRANKS, Sheriff;
BRENT COX, Director of Operations;
WESLEY MANNING, Detention Officer**

DEFENDANTS

ORDER

On December 14, 2020, I granted Plaintiff Ronnie Cote's petition to proceed *IFP* and screened his Complaint.¹ I recognized several pleading deficiencies and provided Mr. Cote the opportunity to amend his Complaint.² Mr. Cote has timely filed an Amended Complaint.³ After a review of the Amended Complaint, I conclude that Mr. Cote's § 1983 claims predicated on alleged due process and first amendment violations now pass screening.⁴ Mr. Cote's Amended Complaint does not, however, fix the fatal deficiencies that I previously identified with respect to his conditions-of-confinement claim.⁵ Accordingly, that claim does not pass screening.

IT IS THEREFORE ORDERED that:

1. The § 1983 claims based on alleged due process and first amendment violations proceed. The § 1983 claim based on conditions-of-confinement is dismissed without prejudice.

2. The Clerk should prepare and deliver summonses, along with a copy of the

¹ Order, Doc. 4.

² *Id.* at 3.

³ Amended Complaint, Doc.6.


⁴ This conclusion should not be taken as a suggestion that the claims would survive an adversarial motion to dismiss or motion for summary judgment.

⁵ Order, Doc. 4 at 3.

Amended Complaint and copies of my Orders,⁶ to the United States Marshal for the Eastern District of Arkansas for service on each of the Defendants in his personal capacity.

3. Mr. Cote's motion for a copy of his file-marked Amended Complaint, Doc. 7, is granted. The Clerk is directed to send a copy of his Amended Complaint, the docket sheet, and this Order to Plaintiff.

Dated, this 21st day of January, 2021.



LEE P. RUDOFSKY
UNITED STATES DISTRICT JUDGE

⁶ Doc. Nos. 4, 6, & 8.